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From: [REDACTED]

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To:

Cc: [REDACTED]

Subject: Scottish Renewables response:

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Attachments:  
[REDACTED]

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CAUTION: External Email

Good morning,

Please see attached Scottish Renewables' response to Scottish Borders Council's consultation on its proposed Local Development Plan. Our response sets out the need to reflect the Scottish Government's declared climate emergency and target of net-zero greenhouse gas emissions by 2045. These are significant statements and legally binding commitments from the Scottish Government that must be central to planning policy and should therefore be reflected in the Proposed LDP.

If you have any questions on the comments set out in our response do get in touch.

Kind regards,

[REDACTED]  
**Policy Manager - Development, Planning & Onshore Wind**  
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# **PROPOSED SCOTTISH BORDERS COUNCIL**

## **LOCAL DEVELOPMENT PLAN**

This document sets out Scottish Renewables' response to the Scottish Borders (the Council) Proposed Local Development Plan (Proposed LDP) 2020 consultation.

We would encourage the Council to consider our comments alongside Scottish Renewables' Position Statement on National Planning Framework 4 (NPF4)<sup>1</sup>, as well as our Supplementary Paper on Climate Change and Deployment Targets<sup>2</sup>.

This submission uses the headings suggested by the Council in its online consultation.

### **1 COMMENT ON INTRODUCTORY CHAPTERS**

#### **Context**

- 1.1 The Proposed LDP does not mention the Scottish Government's declared 'climate emergency', nor is there any mention of the Scottish Government's target of net-zero greenhouse gas emissions by 2045 contained in the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. These are significant statements and legally binding commitments from the Scottish Government that must be central to planning policy and therefore must be reflected in the Proposed LDP.
- 1.2 In December 2015, the Paris Agreement was concluded, which commits signatories, including the UK, to restrict the increase in the global average temperature to below 2C above pre-industrial levels, and to pursue efforts to limit increases to 1.5C, as well as aspiring to achieve net-zero GHG emissions by 2050. The Scottish Government also adopted their Onshore Wind Policy Statement in 2017, which states: 'Achieving appropriate environmental protection means that the relevant planning and consenting processes must remain aligned with the policy context and desired outcomes.'
- 1.3 Section 3ZA (1) of the Planning (Scotland) Act 2019 (the 2019 Act) is in force and also of relevance to the Proposed LDP. This states that 'The purpose of planning is to manage the development and use of land in the long-term public interest'. Section 3ZA (2) clarifies that 'anything which contributes to sustainable development... is to be considered as being in the long-term public interest'. In setting out changes to the content of the new NPF4, Section 2(4) of the 2019 Act identifies 'outcomes' for NPF4, one of which (e) is 'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009.'
- 1.4 The Scottish Renewables NPF4 Supplementary Paper on Climate Change and Deployment Targets sets out the challenges facing Scotland in meeting national targets for emission reduction and achieving net zero by 2045.
- 1.5 The Scottish Government's Programme for Scotland 2019-2020 'Protecting Scotland's Future', which was published in September 2019, is of relevance to the Proposed LDP, and reinforces the important

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<sup>1</sup> <https://www.scottishrenewables.com/publications/560-sr-position-statement-on-npf4>

<sup>2</sup> <https://www.scottishrenewables.com/publications/623-sr-npf4-supplementary-position-statement-cc-and-deployment-targets>

role that the planning system has to play in delivering greenhouse gas targets. In the Ministerial Foreword, the First Minister references the climate emergency and notes that the Programme 'raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets, but we must also redouble our efforts to meet them'.

#### SCOTTISH BORDERS COUNCIL – CLIMATE CHANGE EMERGENCY

- 1.6 In September 2020, the Council declared a climate change emergency, approving 7 measures at a meeting of the full Council on 25 September 2020.
- 1.7 The Council stated that in responding to climate change it has two fundamental responsibilities:
  - (a) the first is for the Council to reduce its own greenhouse gas emissions, and climate adaption across the Council as an organisation.
  - (b) the second is to 'provide leadership and to influence climate change action across the Scottish Borders region.' The Council's role in planning is expressly referenced here.
- 1.8 As part of its declaration, the Council has committed to setting a target for achieving a reduction in the Council's carbon emissions, which is at least consistent with the Scottish Government's target of net zero by 2045 and the intermediate targets set out in the Climate Change (Emissions Reduction Targets)(Scotland) Act 2019.
- 1.9 'Power', and the need to introduce more renewable energy sources, is identified as a challenge. In response, and as an opportunity, the Council states the need to:

'Support development of the whole renewables industry: wind, wave and tidal energy, solar, hydro, biomass.'
- 1.10 In the context of hydrogen, the Council notes that 'the wind power in the area could become an area of hydrogen production for Scotland and maximise the sustainability and economic opportunities.'
- 1.11 The Council also expresses its support for battery storage and opportunities for hydrogen, bio-gas and EV.
- 1.12 The Report to the Council of 25 September 2020 set out what the Council sees as the challenges and opportunities across key sectors of the economy that will 'enhance resilience and put the region on a transformative trajectory towards a net-zero economy'.
- 1.13 Renewable energy is at the heart of the Council's response to the climate change emergency, and the Proposed LDP will play a key role in ensuring the Council meets its stated aims.
- 1.14 Scottish Renewables supports the Council's declaration of a climate change emergency and agrees with the Council that it has a key role to play in the response to this emergency at both a local and wider level. Scottish Renewables, as the industry body representing those involved in the renewables industry, also supports and welcomes the role the Council has identified renewable energy must play in the Council's response to the climate change emergency.
- 1.15 The Council's Proposed LDP sets a vision to 2031, with a focus on the period to 2026. If the Council is to meet its target of at least matching the Scottish Government's net zero target by 2045, this Proposed LDP will need to play a key role in not only setting policies across the Council's area, but in delivering planning decisions supporting renewable energy development.
- 1.16 Scottish Renewables and our members would like to see the Proposed LDP amended to acknowledge and give prominence to the climate emergency and net zero targets, including the important role that

the Scottish Borders must play in delivering these targets. This view is supported by the very recent June 2020 Committee on Climate Change (CCC) Progress Report to Parliament, which notes that ‘delivering net zero emissions by 2050 in the UK will require a strong policy framework at all levels of government’. It continues and notes that ‘the UK cannot achieve net zero in 2050 without strong policy from its devolved partners across key areas including planning, agriculture, land use, housing regulations and local government’.

## **2 CHAPTER 2**

- 2.1 This chapter sets out the changing context and challenges for the Scottish Borders. It identifies 4 headline issues.
- 2.2 Whilst there is a reference to climate change and low carbon, this is limited, and is mentioned in the context of other issues.
- 2.3 There is no reference to the Council’s declaration of a climate change emergency, or of the role the Council has very clearly identified the planning system can play in combatting climate change and meeting the objectives of its climate change declaration, including at least matching the Scottish Government’s net zero by 2045 commitment. Whilst the chapter cross refers to chapter 8, this is not giving the issue the priority it merits, especially in light of the Council’s own position. In fact, we could not see any references to the Council’s declaration of a climate change emergency anywhere in the Proposed LDP.
- 2.4 In the relevant paragraph in Chapter 2 (2.18), Scottish Renewables welcomes the reference to promoting a low carbon future to help achieve climate change targets as set by Scottish Government. However, this falls short of the Council’s own more ambitious aims as set out in its climate change emergency declaration. The paragraph also makes these commitments subject to protecting the built and natural environment. These policies are often cited by those opposed to renewable energy development. In that context, we are concerned at the absence of any specific reference to the need for renewable energy development in this part of the plan as it gives the impression the delivery of renewable energy is of lesser importance.
- 2.5 Scottish Renewables propose that Chapter 2 is amended so that the climate change emergency and the need to tackle climate change are specifically referenced as key issues in the changing context and challenges for the Scottish Borders. This would ensure the plan more closely reflects the Council’s climate change emergency declaration.

## **3 CHAPTER 4**

- 3.1 The vision section of the Proposed LDP (paragraph 4.1 page 19) is taken from the aborted draft Sesplan 2 document. As noted elsewhere in the Proposed LDP, that plan was not approved by Scottish Ministers.
- 3.2 Whilst Ministers’ stated reasons for rejecting the draft Sesplan 2 related to transport issues, it is important to note that no part of the plan (including the draft SDP’s vision) was approved by Ministers, and because the plan was abandoned by the SDP authorities, no part of the draft plan completed the full legal process.
- 3.3 The now abandoned SDP is of very limited, if any, weight in the development planning process, and there is no requirement for the Proposed LDP to adopt its terms.
- 3.4 The draft SDP was submitted to Ministers in June 2017, the text (including the ‘vision’) is now over 3 years old. There have been several significant legislative and policy developments since then, relevant to this Proposed LDP. This includes the Scottish Government’s commitment to be net zero by 2045.

As an example of a more up to date strategic development plan approach, we would refer the Council to the 'vision' in the recently approved Aberdeen City and Shire SDP, which refers expressly to dealing with climate change, including 'to take on the urgent challenges of climate change'.

- 3.5 The current 'vision' text does not reflect up to date Scottish Government priorities, or indeed those of the Council itself.
- 3.6 The plan's 'vision' should be amended to include express reference to the need to combat climate change.
- 3.7 Chapter 4 contains six 'Aims', including 'Sustainability and Climate Change'. There is a reference at paragraph 4.7 to supporting renewable energy opportunities 'where possible'.
- 3.8 Chapter 4 then details how these 'main aims' (as described at para 4.8) will deliver the plan's vision.
- 3.9 There is no reference to tackling climate change as one of the main aims of delivering the plan's vision. The text box 'Sustainability' makes no reference to supporting the delivery of renewable energy.
- 3.10 The 'Sustainability' text box should be amended and renamed 'Sustainability and Climate Change'. The Council's commitment to be at least net zero by 2045 should be expressly referenced in this text to ensure it is consistent with both Scottish Government policy and legislation as well as the Council's own policy. There should be specific support for development that will help the Council meet this objective.

#### **4 CHAPTER 5**

- 4.1 Scottish Renewables is disappointed at the lack of any reference the renewable energy sector provides to the Scottish Border's economy, both directly through employment and investment as well as through use of local businesses. Renewable energy developments also make significant contributions to local communities.
- 4.2 Renewable energy development, as part of the drive to net zero, offers very significant economic opportunities at both a local and wider level [insert details on contributions in SBC area if data available]. [Include ref to MSP survey re economics].
- 4.3 Chapter 5 of the plan should be updated to make express reference to the economic benefits of renewable energy development.

#### **5 CHAPTER 8**

- 5.1 Whilst the chapter refers to the Climate Change (Scotland) Act 2009 and associated policy, it does not refer to the Scottish Government's updated targets as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 5.2 There is also no reference in this chapter to the Council's declaration of a climate change emergency. This is a significant omission from the sustainability and climate change chapter of the Proposed LDP.
- 5.3 In declaring a climate change emergency, the Council recognised that one of its two fundamental responsibilities was to provide leadership and influence climate action across the Scottish Borders region. In that context, Scottish Renewables recommend that this Chapter of the Proposed LDP make express reference to the Council's declaration of a climate change emergency.
- 5.4 Scottish Renewables also recommend that Chapter 8 should make clear the Council's support as planning authority for development that helps deliver the range of measures approved by the Council at its meeting of 25 September 2020. In its current form, the Proposed LDP does not reflect the Council's stated aims in terms of tackling climate change.

- 5.5 Paragraphs 8.7 and 8.8 set out the proposed approach to onshore wind energy development. The Council's proposal is to rely on supplementary guidance prepared in 2018 for the existing LDP.
- 5.6 The draft plan refers to Renewable Energy Supplementary Guidance (the SG) giving 'up to date advice' (paragraph 8.8) and refers in that context to a Landscape Capacity Study and Cumulative Impact Study by Ironside Farrar dated 2016 (itself an update to the original 2013 study).
- 5.7 This issue is considered in more detail in the context of Policy DP9. The reference to the SG and supporting landscape capacity and cumulative impact study is not supported.
- 5.8 This approach is not appropriate and likely unlawful. The SG was prepared, consulted upon and approved by Scottish Ministers on the basis it was to support policies in the existing LDP. It cannot simply be rolled forward into the new development plan without any further procedure.
- 5.9 The Council approach is not consistent with the development planning regulations, which require supplementary guidance to be prepared to supplement an already approved plan. The draft SG itself must also be subject to consultation. The 2018 SG cannot, by definition, meet these legal requirements for the purposes of the new plan.
- 5.10 In addition to the points regarding rolling forward policy prepared for a previous development plans (ie the existing LDP), Scottish Renewables do not support the use of policy which itself is based on assessment work that is already over 4 years old.
- 5.11 There have been significant developments in turbine technology since the Ironside Farrar report was first prepared in 2013 and updated in 2016. It is of very limited, if any assistance, in the development of planning policy or determination of individual planning applications. This was illustrated in in the most recent wind farm planning inquiries in Scottish Borders, where the Reporter (with whom the Scottish Ministers agreed) did not place any reliance on the findings of the landscape capacity studies when making his assessment (WIN-140-6 and WIN-140-5).
- 5.12 We would suggest that references to the SG and supporting material should be deleted from the plan.

## **6 CHAPTER 9**

- 6.1 We have limited our comments to those policies considered most relevant to our members.

### POLICY PMD1: SUSTAINABILITY

- 6.2 Scottish Renewables generally supports this policy, subject to the following comments.
- 6.3 The text of Policy PMD1 says it underpins all the Proposed LDP's policies, and developers will be expected to incorporate into their developments. However, the policy does not provide support for developments that are intended to will help mitigate the effects of climate change, such as renewable energy development.
- 6.4 Policy PMD1 should be amended to include the following text:
- '(a) the inclusion of proposals that will help mitigate climate change'.
- 6.5 Policy PMD1(c) refers to 'landscapes' as distinct from natural resources. Scottish Renewables does not support this approach, which has the effect of making the protection of 'landscapes' a separate requirement from the protection of natural resources. In the experience of our members, policies that afford landscapes enhanced protection can be used to oppose the development of renewable energy developments. These developments are, by design, intended to protect natural resources, but because of locational requirements may have an impact on landscapes.

- 6.6 The reference to 'landscapes' should be deleted from Policy PMD1.
- 6.7 Policy PMD1(l) seeks to make involvement with the local community a development plan policy. Scottish Renewables members are committed to community engagement, and regularly undertake consultation well in excess of legislative requirements. However, this policy is neither appropriate nor necessary.
- 6.8 It is not appropriate because it provides no context for what is meant by 'involvement', 'local community' or 'improvement of their environment'. On this latter point, 'their environment' could be read to mean the immediate environment or a much wider area, which in the context of climate change means a global context. It is also not clear how differing views on a development would be treated by this policy, or if an applicant would be required to have regard to matters not relevant to planning to comply with this policy.
- 6.9 The policy is unnecessary as the requirements for community consultation are set out in the 1997 Act, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and associated Scottish Government guidance and policy. At best, this policy represents duplication of the existing statutory consultation process. However, if Policy PMD(l) was applied to require something different to the existing statutory requirements then it would likely be unlawful.
- 6.10 Scottish Renewables would recommend that policy PMD1(l) be deleted.

#### POLICY PMD4: DEVELOPMENT ADJOINING DEVELOPMENT BOUNDARIES

- 6.11 Whilst we understand this policy is not principally directed towards renewable energy development, it does nevertheless say that renewable energy policy is relevant. This suggests draft Policy PMD4 could be applied to renewable energy developments.
- 6.12 The location of renewable energy development is determined by operational requirements and constraints, such as the source of power and existing grid connections. Whilst Policy PMD4 has numerous exceptions, none of these relate to renewable energy or developments that are intended to address the climate change emergency.
- 6.13 Scottish Renewables would recommend that Policy PMD4 is amended to provide flexibility for it to support sustainable development and help tackle climate change.

#### POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

- 6.14 This policy creates a presumption against any uses that are not Class 4 (on High Amenity Business Sites) or Classes 4, 5 and 6 (on Business and Industrial Sites). Qualified support is given for other employment generating uses.
- 6.15 It is common for business and industrial sites to include small scale renewable energy uses such as wind turbines and solar (both ground mount and roof-top). It is also common for electricity transmission infrastructure as well as battery storage facilities to be located within existing business and industrial sites. EV charging is already a feature on business and industrial sites and that will increase as transport is decarbonised. There will also be a need to accommodate developments to support the use of hydrogen. These uses do not fall within use Classes 4, 5 or 6.
- 6.16 Scottish Renewables would recommend that Policy ED1 is amended to provide flexibility for development that will support renewable energy, provided this will not prejudice the existing and predicted long term requirements for industrial and business land in the locality. This would maintain the objectives of this policy whilst ensuring flexibility to support development directed towards addressing climate change.

## POLICY ED9: RENEWABLE ENERGY DEVELOPMENT

- 6.17 Policy ED9 is in the same terms as the equivalent policy in the existing LDP. It does not reflect the current policy position and should be updated.
- 6.18 Scottish Renewables would like to see the supporting text to Policy ED9 amended to acknowledge and give prominence to the climate emergency and net zero targets, including the role that the Scottish Borders must play in delivering these targets.
- 6.19 Scottish Renewables would also recommend that paragraphs 1.1 and 1.4 are updated to record the fact the Council has declared a climate change emergency, and that renewable energy and gas replacement are identified as opportunities in the Scottish Borders to help address the climate change emergency.
- 6.20 Paragraph 1.4 refers to targets that have largely been superseded. Scottish Renewables recommend that these targets are updated to include reference to The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which sets a legally-binding 'net-zero' target of all greenhouse gases by 2045 with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.
- 6.21 As part of its declaration of a climate change emergency, the Council has committed to targets at least as ambitious as the legally binding targets set by Scottish Government. Where the Council sets itself more ambitious targets this should be reflected in its planning decisions. Paragraph 1.4 should be amended to ensure Proposed LDP matches the Council's own ambitions.
- 6.22 Paragraph 1.6 refers to wind turbine applications being 'contentious'. Developments of various types will prompt differing opinions. This is not unique to wind turbines. Singling out one form of development in this way is neither necessary nor helpful. The reference should therefore be deleted.
- 6.23 Paragraph 1.6 also refers to application for turbines over 200m being 'carefully scrutinised' and refers to assessing impacts from lighting. As the Council will carefully scrutinise all planning applications and consider each case on its merits, singling out wind turbine developments and potential impacts (which may not be relevant to an application) is unnecessary and should be deleted from the text. We would point out that no other type of development in the Proposed LDP is considered in this manner.
- 6.24 We have referred above to the Council's stated intention of relying on its existing SG in the Proposed LDP. The intention appears to be that the existing SG would continue to apply but will not be subject to amendment or consultation.
- 6.25 The function of statutory supplementary guidance was to provide further detail to policies within an existing Local Development Plan, and where prepared to accord with s.22 of the 1997 Act, it would be treated as forming part of the development plan (s.24(b) of the 1997 Act). That is the basis on which the existing SG was prepared, consulted upon and ultimately approved (the Background Chapter of the SG confirms it has been prepared under s.22 of the 1997 Act).
- 6.26 However, section 9 of the Planning (Scotland) Act 2019 means that s.22 of the 1997 Act will be repealed, such that it will no longer be possible to prepare statutory supplementary guidance.
- 6.27 The Proposed LDP is to replace the existing plan. It follows that when the existing LDP is replaced by the Proposed LDP, so too will any associated statutory supplementary guidance. Statutory SG clearly cannot outlive the development plan on which it was based. The existing SG cannot simply be rolled forward into a new development plan.
- 6.28 Draft Policy ED9 purports to give the current SG development plan status by incorporating it into the policy. Whilst that approach may have been considered appropriate where the SG was to form part of



the development plan, that approach will not be available following the repealing of section 22 of the 1997 Act.

- 6.29 It is always open to Planning Authorities to publish non-statutory supplementary guidance, but the weight to be given to such supplementary guidance will be considered alongside other material considerations, and as the decision maker sees fit.
- 6.30 If the Council wishes its existing SG to be a material consideration then it can refer to it in the supporting text, as it has done with Supplementary Planning Guidance prepared in December 2013 (see para 1.10 page 75).
- 6.31 However, reference to it within the body of draft Policy ED9 is not appropriate and contrary to the 1997 Act (as amended). The paragraph headed 'Supplementary Guidance' in Policy ED9 should be deleted from the policy.
- 6.32 There are various references in the supporting text and Draft Policy ED9 to a Landscape Capacity and Cumulative Impact Study prepared by Ironside Farrar. This study is incorporated into the existing SG. This includes references to this document being dated November 2018. We understand the document is dated November 2016.
- 6.33 Scottish Renewables and its members do not support the continued reliance on the Landscape Capacity and Cumulative Impact Study. Detailed reasoning on why LCS are inappropriate was provided in Scottish Renewables' response to the Scottish Government's consultation on NPF4. In summary, LCS are not considered to be fit for purpose, and should be replaced by landscape sensitivity studies (LSS). This is also the view of Nature Scot. LCS too often find there is little or no support for wind farm development. However, it is also the case that LCS are given very little if any weight where applications are determined by Reporters. They are, at best, high level generic tools that are of little assistance to applicants or decision makers.
- 6.34 The LCS in this case was first prepared in 2013 and updated in 2016. It is already dated and should not be relied upon in an LDP that is intended to set development plan strategy until 2031. Scottish Renewables does not support the continued reliance on this document.
- 6.35 The section of Draft Policy ED9 headed 'Consideration of Wind Energy Proposals', lists various matters that will be considered in the assessment of applications. Whilst Scottish Renewables does not disagree that these are potentially relevant factors, the Policy should also include the contribution renewable energy can make to meeting net zero targets (at both a national and local level) and contribute towards addressing the climate change emergency. This section of the Policy should also reference the benefits of renewable energy as identified by the Council in its report of 25 September 2020.
- 6.36 The Policy refers to restoration and decommissioning, and in this context to the need for planning conditions and a planning obligation. Site restoration and decommissioning are both potentially material considerations. However, the mechanisms used to address these issues are not matters that can properly be included in development plans. Whether a condition and/or planning obligation is needed is primarily a matter of law. As the Supreme Court has confirmed, policy cannot make lawful something that is unlawful. The use of planning conditions and/or planning obligations is a matter for individual planning applications, not development plan policy.

## 6.37 ENVIRONMENTAL AND OTHER POLICIES

### POLICY HD3: PROTECTION OF RESIDENTIAL AMENITY

- 6.38 The aim of this policy is to protect the residential amenity of existing residential areas and proposed new housing developments where the predominant use of the area is residential. Reference is made

to SPP's requirement for high quality layouts in housing developments to protect residential amenity and to the Council's own guidance on householder developments.

- 6.39 Notwithstanding, the policy is also stated (paragraph 1.1 page 95) to apply to renewable energy developments.
- 6.40 The policy states: 'development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted' and reference is made to visual impacts.
- 6.41 This is a very strict test, which effectively seeks to prevent any development no matter how minor the adverse impact may be. If this wording is to be retained, it should include a materiality threshold. In addition, adverse impacts on residential amenity may be one of many factors relevant to an individual planning application and should not be regarded as determinative in every case as the wording of the policies implies.
- 6.42 If the policy is retained this wording should be amended to state that:  
  
'Development that is assessed as likely to have to have a materially adverse impact on the amenity of existing or proposed residential areas will not be supported.'
- 6.43 However, given that the matters relevant to renewable energy development in this policy are already referenced in Policy ED9 (including specifically 'impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker))' the reference to renewable energy development in this policy is unnecessary and should be deleted. If a renewable energy development accords with Policy ED9 then Policy HD3 would not be a proper reason for refusal.

#### Policy EP2

- 6.44 The purpose of this policy is to protect sites designated for floral, faunal, geological and geomorphological interests (SSSIs) and habitats and species (NNR).
- 6.45 Policy EP2 states that development proposals that have a significant indirect effect on a SSSI or NNR will not be permitted. It is unclear what is meant by 'indirect effects', but this could potentially include landscape or visual effects. Given that SSSIs and NNRs are not landscape designations, this would not be appropriate. We would argue that the reference to indirect effects should be deleted.
- 6.46 Policy EP2 also says that development will not be permitted unless it (a) 'will not adversely affect the integrity of the site, and' (b) 'offers substantial benefits of national importance'.
- 6.47 If development will not adversely affect the integrity of a SSSI or NNR it is not clear why it must also be required to deliver benefits of national importance. Scottish Renewables would recommend that these two criteria should be presented on an 'and/or' basis and not as both being needed.

#### POLICY EP3 NATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES

In the second part of this policy, reference should be to 'Development that would [materially] adversely affect the interest of a local geodiversity site will only be permitted where...'

#### POLICY EP4 NATIONAL SCENIC AREAS

- 6.48 The first sentence of this policy should be amended to read 'Development that may [adversely affect the Special Qualities] of a National Scenic Areas (NSAs) will only be permitted where'...

This will help ensure the policy is directed towards protecting the qualities of the NSA.

#### POLICY EP5 SPECIAL LANDSCAPE AREAS

- 6.49 As recognised in the supporting text, Special Landscape Areas are local designations, intended to have less protection than NSAs. Scottish Renewables is disappointed that whilst the supporting text refers to support for development that complies with countryside policies, there is no recognition of development that is being brought forward to tackle climate change.
- 6.50 In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance.

#### POLICY EP6 COUNTRYSIDE AROUND TOWNS

- 6.51 Policy EP6(a) should be amended to include reference to renewable energy development. This is consistent with Policy EP9, and the fact renewable energy developments may require a rural location.

#### POLICY EP7 LISTED BUILDINGS

- 6.52 The policy currently says that development that adversely affects the setting of a listed building 'will not be permitted'. However, adverse impacts on a listed building may be one of several factors to be considered in the planning balance of a proposal. It should not be considered determinative and supersede all other considerations.
- 6.53 Scottish Renewables suggests this part of Policy EP6 is amended to read:

'New development that [impacts on the integrity] of the setting of a Listed Building will not be [supported by this policy].'

#### POLICY EP8 HISTORIC ENVIRONMENT ASSETS AND SCHEDULED MONUMENTS

- 6.54 This policy refers to adverse impacts on the setting of scheduled monuments or other nationally important assets.
- 6.55 To ensure the policy accords with national policy, SPP, this policy test should only be engaged by 'impacts on the integrity of the setting', not simply any impact on setting.